

REMARKS

In accordance with 37 CFR §1.114, Applicants submit the above noted claim amendments and the attached Request for Continued Examination. Entry and consideration of the above noted amendments is respectfully requested.

Claim 1 and 74-78 have been amended to more particularly point out and distinctly claim the invention. No new matter has been added, Claims 1 and 61-78 are pending and submitted for consideration.

The Office Action dated August 10, 2006 indicated that claims 1 and 61-78 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Each of the pending claims, in part, recites that the terminal controller causes at least one of the radio receivers to be tuned to the at least one frequency band during the at least one identified data frame, to make measurements therein, and to transmit the measurements with the at least one transmitter of the at least one radio transceiver to the station and to adjust the meaning of feedback sent in an uplink direction accordingly to correspond to a resulting plurality of data streams less than the plurality of data streams prior to a resulting non-MIMO transmission. Paragraph 0025 and figure 4 of the originally filed specification disclose these features. Specifically, element 104 of figure 4 illustrates that the terminal controller stores the identification of frames which will be sent in non-MIMO mode and monitors the frame number of received data to determine when to tune one MIMO receiver to a new frequency band to make measurements of radio indicators at the new frequency band.

Element 106 of Figure 4 also illustrates that the transmitter transmits the identified frame at increased power and disables one antenna and the receiver is tuned to the new frequency band to make and start measurements. Element 106 of Figure 4 illustrates that the measurements are transmitted from the terminal to the base station (adjusted uplink transmission) and the base station determines if a handoff to a new inter-frequency band or to a new system is in order. Based on the disclosure of paragraph 0025 and figure 4 of the originally filed specification, Applicant submits that the pending claims do comply with the written description requirement under 35 U.S.C. 112, first paragraph, and requests that the rejection be withdrawn.

Claims 1 and 61-78 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 1 and 74-78 have been amended to overcome this rejection. Therefore, Applicant requests that the rejection be withdrawn.

Applicant submits that each of claims 1 and 61-78 recite allowable subject matter and respectfully requests that all of the pending claims be allowed and this application be passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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Enclosures: Request for Continued Examination
Petition for Extension of Time
Check No. 17023